

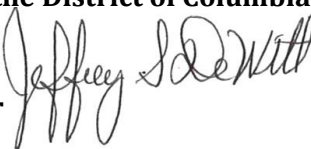
Government of the District of Columbia
Office of the Chief Financial Officer



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: November 6, 2020

SUBJECT: Fiscal Impact Statement – Vulnerable User Collision Recovery
Amendment Act of 2020

REFERENCE: Bill 23-83, Draft Committee Print as provided to the Office of Revenue
Analysis on November 6, 2020

Conclusion

Funds are sufficient in the fiscal year 2021 through fiscal year 2024 budget and financial plan to implement the bill.

Background

The bill further limits the ability to use contributory negligence in a civil case involving a pedestrian or bicyclist,¹ by applying such restrictions to “vulnerable user,”² which has a broader definition than “bicyclist.” The bill also specifies that the ability to use contributory negligence is limited to collisions between a pedestrian or vulnerable user and a motor vehicle or other vulnerable user, or a collision between a vulnerable user and a pedestrian.³ Contributory negligence assigns some blame for a pedestrian’s or vulnerable user’s injuries to the pedestrian or vulnerable user themselves and makes it more difficult for the injured party to seek damages. The new vulnerable user category creates a larger pool of potentially injured parties that can still seek civil damages unless they are the

¹ Motor Vehicle Collision Recovery Act of 2016, effective November 26, 2016 (D.C. Law 21-167; D.C. Official Code § 50-2204.52).

² A vulnerable user encompasses the user of a bicycle, all-terrain vehicle, dirt bike, electric mobility device, motorcycle, motorized bicycle, motor-driven cycle, non-motorized scooter, personal mobility device, skateboard, or something similar.

³ This applies to collisions occurring on a public highway or sidewalk.

The Honorable Phil Mendelson

FIS: Bill 23-83, "Vulnerable User Collision Recovery Amendment Act of 2020," Draft Committee Print as provided to the Office of Revenue Analysis on November 6, 2020

proximate cause of their own injury and their negligence is greater than the aggregate negligence of all defendants that caused the injury.

Financial Plan Impact

Funds are sufficient in the fiscal year 2021 through fiscal year 2024 budget and financial plan to implement the bill. There are no costs associated with further limiting the use of contributory negligence as a defense in civil cases involving collisions between pedestrians and vulnerable users and motor vehicles or vulnerable users, or those between vulnerable users and pedestrians.